

Award No. 10406

Docket No. CL-12568

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES**

**THE DENVER AND RIO GRANDE WESTERN RAILROAD
COMPANY**

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL 4956) that:

(1) The Carrier violated the terms of the agreement between the parties when it used a furloughed brakeman holding no rights under our agreement to perform clerical duties at Provo, Utah, from December 14 through December 24, 1959.

(2) In consequence of this violation the Carrier shall now pay a day's pay of eight hours at the rate of time and one-half to each of the following who were entitled to perform this work:

December 14, 1959 Claimant Ned Daley
December 15, 1959 Claimant Ned Daley
December 16, 1959 Claimant M. M. Elder
December 17, 1959 Claimant D. T. Reid
December 18, 1959 Claimant D. T. Reid
December 19, 1959 Claimant L. E. Stone
December 20, 1959 Claimant E. C. Anderson
December 21, 1959 Claimant Ned Daley
December 22, 1959 Claimant Ned Daley
December 23, 1959 Claimant M. M. Elder
December 24, 1959 Claimant D. T. Reid

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the Carrier and the Employees involved in this dispute are respectively Carrier and Employees within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein;

That the dispute was certified to the Third Division of the Adjustment Board *ex parte* by the complainant party; and

That hearing thereon was waived by the parties and under date of February 12, 1962, the parties addressed a formal communication to the Secretary of the Third Division requesting withdrawal of this case from further consideration by the Division, which request is hereby granted.

AWARD

Case dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 8th day of March, 1962.